



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

CERTIFIED MAIL - FIRST CLASS MAIL  
RETURN RECEIPT REQUESTED

8P-R  
Ashley Giese  
Barker Concrete & Construction, Inc.  
P.O. Box G  
Edgemont, SD 57735

AUG 23 2012

RE: The Custer Fall River Landfill is Acceptable Pursuant  
to the CERCLA Off-Site Rule

Dear Ms. Giese:

This letter is in response to your email message sent on July 24, 2012, in which you requested an Off-Site Rule (OSR) acceptability determination for the Custer Fall River Landfill located in Edgemont, South Dakota. As you may be aware, EPA promulgated the OSR to assure that wastes from sites being cleaned up under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) are sent to treatment, storage and disposal facilities that are environmentally sound, thereby preventing those wastes from contributing to present or future environmental problems.

EPA has completed its evaluation of the currently-active landfill cell at the Custer Fall River Landfill facility and has determined that the landfill is acceptable to receive waste generated pursuant to CERCLA. This determination was based largely on information provided in an August 1, 2012, letter sent via email from James Wendte, the Engineering Manager for the Solid Waste Program for the South Dakota Department of Environment and Natural Resources (DENR). In that email, Mr. Wendte provided information on the two criteria that EPA uses as the basis to determine the acceptability of the facility: relevant violations and uncontrolled releases. Mr. Wendte reported that the landfill is currently in full compliance with their DENR-issued solid waste permit, and that the DENR is not aware of any uncontrolled release of hazardous substances occurring at the landfill.

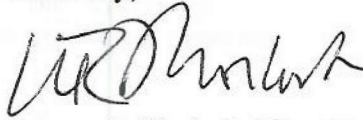
For your convenience, I have enclosed a copy of the OSR with the preamble as it appeared in the Federal Register. The rule without the preamble can be found in the Code of Federal Regulations at 40 CFR 300.440.

If you have any questions regarding this letter or the CERCLA Off-Site Rule, please contact Terry Brown, Off-Site Rule Coordinator for EPA-Region 8, at (303) 312-6419.



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Sincerely,



for Steven A. Burkett, Director  
Resource Conservation and Recovery Program

Enclosure

Cc: James Wendte - DENR